

Response to the PCT Written Opinion

(1) In the PCT Opinion dated April 13, 2004, it is stated that, since Document 1 (WO02/051769) discloses an oxide sintered body and sputtering target of  $\text{SrRuO}_3$  having a relative density of 95% or higher and in which the specific resistance is  $260\mu\Omega\text{cm}$ , and Document 2 (JP2000-247739) discloses that  $\text{Bi}_2\text{O}_3$  is added in a prescribed amount for seeking high density, "although claims 4, 5 and 9 to 14 possess novelty, claims 1 to 3 and 6 to 8 do not possess novelty, and claims 1 to 14 do not possess inventive step."

(2) Nevertheless, in the correction dated the same day (amendment under Article 11 of the Patent Law), the description of "containing (adding) 0.5mol (or more) to 1.2mol of  $\text{Bi}_2\text{O}_3$ ," which is not described anywhere in Document 1 or Document 2 cited in the Opinion, has been introduced as a constituent element of the present invention to independent claims 1, 6 and 11, and the scope of claims has been limited thereby. Further, claims 4, 5, 9, 10, 12 and 13, which are now redundant as a result of the foregoing amendment, have been deleted.

As a result of the above, the technical difference between the present invention and Documents 1 and 2 has become clear, and all of the corrected claims in this PCT application possess novelty and inventive step. The reason for this is explained in detail below.

Incidentally, regarding the limited constituent elements, we would like to point out that these have been described at the time of the PCT application (page 4, line 21 to page 5, line 8 and Fig. 1 in the description of the PCT application), and such limitation is not a change of gist or an introduction of new matter.

(3) Next, the present invention and the cited documents will be compared. As evident from the fact that the inventor and the applicant of Document 1 and

this PCT application are the same, the present invention is an improvement of the technology described in Document 1. Although the technology of Document 1 has the characteristics described therein, there was a problem in that the density was not necessarily stable.

Nevertheless, at the time the invention of Document 1 was devised, there was no mind-set of being able to obtain a more stable, high-density sintered body and target by adding  $\text{Bi}_2\text{O}_3$ . Therefore, Document 1 cannot be used as grounds to say that the present invention could have been easily achieved based on such Document 1.

(4) Regarding Document 2, we were aware of this at the time of filing (c.f., page 2, lines 2 to 4 in the description of the PCT application). Nevertheless, what is disclosed here is that by adding 0.1mol to 0.5mol of  $\text{Bi}_2\text{O}_3$  (the additive amount is an amount less than the present invention), the relative density can be made to be roughly 90% at maximum. Fig. 13 of Document 2 describes this point clearly, and the relationship of the additive amount of  $\text{Bi}_2\text{O}_3$  and the relative density shown in Fig. 13 is saturated at a relative density of 90%.

Meanwhile, since the present invention aims to achieve a relative density of 93% or more, Document 2 would be incompatible as a matter of course.

In other words, the object of the present invention cannot be achieved with a relative density of 90%. Therefore, it is also clear that Document 2 cannot be used as grounds to say that the present invention could have been easily achieved based on such Document 2.

(5) As described above, the invention of this PCT application (independent claims 1, 6 and 11, as well as dependent claims 2, 3, 7, 8 and 14) after correction (limitation of "containing (adding) 0.5mol (or more) to 1.2mol of  $\text{Bi}_2\text{O}_3$ ," ) is an invention that is clearly different from Document 1 and Document

2, and such Documents 1 and 2 cannot be used as grounds to say that the present invention could have been easily achieved.

Accordingly, the present invention possesses novelty and inventive step, as well as patentability. We hope that the Examiner's opinion can be overcome with the corrections, and look forward to receiving a judgment to such effect.